

# Town of Lovettsville

## Town Council

### Minutes of Public Hearing and Regular Meeting November 12, 2009

Mayor Elaine Walker called the Lovettsville Town Council Public Hearing on LVZA 2009-0006: Model Home; Construction and/or Sales Trailer to order at 8:00 P.M. at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA 20180.

#### **Welcomes and Introductions**

Mayor Walker welcomed the citizens attending the meeting.

The Mayor introduced Vice Mayor Robert Zoldos II, and Council Members Charlotte Coleman, Scott Dockum, DiJon Jones, Shaun Staley and Michael Senate.

The Mayor also introduced the Town Staff, including Town Manager Keith Markel, Zoning Administrator Steve McGregor and Town Clerk Judy Kromholz.

*Attorney Elizabeth Whiting arrived at 8:20 P.M.*

**Absent:** None

#### **Explanation of Procedures and Opening of the Hearing**

Mayor Walker led the attendees in the Pledge of Allegiance. She then read the Public Notice of this Public Hearing as it appeared in *Leesburg Today* as shown in Attachment I.

#### **Presentation**

Zoning Administrator McGregor presented this item (Attachment II).

Vice Mayor Zoldos asked about the latitude granted the Zoning Administrator to enforce this amendment and Manager Markel noted that this latitude exists in the old text.

#### **Public Speakers**

No member of the public signed up to speak. Mayor Walker asked if any member of the audience wished to speak on this topic and no one wished to be recognized.

#### **Council Discussion**

Mayor Walker asked the Council if they had any questions. Councilman Dockum asked if the builders would be required to keep models open until the last lot is sold in the development. Manager Markel stated that the builder can close the model or sales trailer at any time, citing Lennar's closing of the model at Heritage Highlands as precedent.

Mayor Walker wanted to ensure that multiple builders would be allowed to each build their own model. Administrator McGregor stated that all builders selected by the developer would have this right. Administrator McGregor also noted that all of the features recommended by the Planning Commission are included in the amendment.

#### **Declaration to Close the Public Hearing**

Mayor Walker again asked if any member of the public wished to speak. When there were no speakers, she declared the Public Hearing closed at 8:25 P.M.

#### **Opening of Regular Town Council Meeting**

Mayor Elaine Walker called the regular meeting of the Lovettsville Town Council to order at 8:26 P.M. on Thursday, November 12, 2009 at the Lovettsville Town Hall.

#### **Present at Meeting**

- Mayor Elaine Walker
- Vice Mayor Robert Zoldos II
- Council Members Charlotte Coleman, Scott Dockum, DiJon Jones, Michael Senate, Shaun Staley
- Town Manager Keith Markel

- Town Attorney Liz Whiting
- Zoning Administrator Steve McGregor
- Town Clerk Judy L. Kromholz

**Absent**

- None

**Audience**

Among those present on the audience were Frank Kromholz, Bing Lam, Tiffany Carder, Aaron Kahn and Jason Barr.

**Call to Order/Welcome/Pledge of Allegiance/Invocation**

Mayor Walker called for a moment of silence in honor of Veterans Day and then led the assembled in the Pledge of Allegiance.

**Comments from the Public**

No member of the public had signed up to speak (Attachment III).

**Loudoun County Sheriff's Office**

Loudoun County Deputy Sheriff Mertz-Myers presented her monthly report, noting that no major incidents and no vehicle break-ins had occurred in Town during October.

Councilman Staley asked if the speed check machine can be used on South Loudoun Street and East Broad Way. Deputy Mertz-Myers stated that she will try but the traffic supervisor prefers that tickets be written in these high traffic areas. Councilman Dockum said that it was good to see the patrols in Town on Halloween night.

**Lovettsville Volunteer Fire and Rescue Company**

No member of the Company was present to report.

**Lovettsville Business Association**

No member of the Association was present to report.

**Additions/Deletions/Modifications to the Agenda**

There were no changes to the agenda.

**Presentations**

No presentations were scheduled.

**Approval of Town Council Minutes**

No minutes were presented.

**Report from the Treasurer**

No report was presented.

**Staff Reports**

A. Report from the Zoning Administrator

Administrator McGregor presented his written report dated October 2009. There were no questions from the Mayor or Council.

B. Report from the Town Attorney

The Town Attorney had no formal report.

C. Report from the Town Manager

Manager Markel reported that Project Manager Fellers has submitted the application for the Bike Trail VDOT enhancement grant.

**Consent Agenda**

There were no items on the Consent Agenda.

**Action/Discussion Items**

**A. LVZA 2009-0006: Model Home; Construction and/or Sales Trailer**

Vice Mayor Zoldos asked that this item be tabled until the next meeting in order to give Council time to review material distributed tonight.

**B. Germanna Drive Scope Change**

Manager Markel presented this item. He explained that it had taken the contractors longer than expected to complete the paperwork. Staff is proposing signing the proposal but delaying actual construction until Spring to avoid weather delays and to minimize the inconvenience of the residents of this street. Performing the repairs when the weather is warmer will allow for a better finished product. The contractor has 30 days from the start date in the Spring to complete the project and also recommends this delay. They have guaranteed their pricing unless there is a dramatic change in the cost of materials, in which case the contractor has the right to terminate. Attorney Whiting supported this delay and approved its structuring.

**Motion:** I move that Town Council approve the revised Scope of Services for Task Order 1 – Germanna Drive Improvements Project updating Task 1- D at a cost of \$17,500 plus reimbursable up to \$500 and authorize the Mayor or Town Manager to sign the Task Order once it is in a form acceptable to the Town Attorney.

**By:** Vice Mayor Zoldos

**Second:** Council Member Coleman

**Aye:** Council Members Coleman, Dockum, Jones, Senate, Staley, Zoldos

**Nay:** None

**Abstain:** None

**Absent:** None

**Information Items**

Manager Markel presented the following:

1. The Civil War trail sign will be installed next Tuesday, November 17<sup>th</sup>. The dedication ceremony will take place as soon as possible; probably on Saturday December 5, 2009 around 2:00 P.M. Mayor Walker and Manager Markel are compiling the guest list. Manager Markel reported that Loudoun County has pulled all of its contribution to this project and a charitable foundation based in Middleburg has guaranteed to make up the difference. The Town's contribution will remain the same.
2. The NotoPath organization has requested permission to place an informational sign in Town Square to notify people about the meeting on November 19, 2009 at the Community Center. Councilman Senate stated that the sign should be allowed only if there is no organizational information on the sign. Mayor Walker agreed that the sign would be appropriate only if there was no organizational information included. The Council agreed to allow the signs with the stated constraints.
3. Manager Markel reported that there was a high water pressure issue reported by a resident in the Mills Court area. It is believed that the high pressure in this area has existed since the water system was constructed because this neighborhood's topography is one of the lowest in Town. The issue has recently surfaced because a resident has installed a high efficiency appliance which is sensitive to the high pressure according to sources at Loudoun Water. He noted that pressure reducers can be installed, but the question remains of who would pay for them. He will do more research and have a report for Council at the next meeting.

**Comments from the Mayor and Town Council**

Vice Mayor Zoldos reported that a meeting was held concerning the Town Sign at which different ideas were reviewed. The committee will do more research and reconvene in a couple of weeks. He announced that the Lovettsville Elementary School will host basket bingo tomorrow night, beginning at 7:00 P.M.

Councilman Jones reported that he attended the Veterans Day wreath laying and that about ten people attended even though the major ceremony had to be cancelled because of the weather.

Councilman Dockum asked about the presentation of certificates of appreciation to the Oktoberfest Committee. Manager Markel reported that the Committee is planning a presentation to Council at the December 10<sup>th</sup> meeting and the presentation of certificates will be made at that time.

Councilman Senate reported that both volunteer and career firefighters were disappointed that the Veterans Day ceremony had to be cancelled due to the weather.

Councilwoman Coleman asked if the Scouts would also be honored for their work on Oktoberfest and the Council agreed to honor all the scout troops that participated in the event.

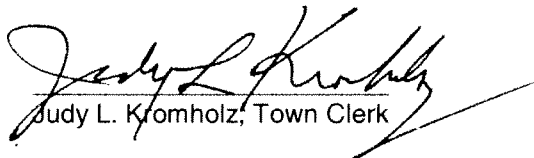
Mayor Walker presented the following:

1. She was pleasantly surprised by the ten people who did attend the Veterans Day wreath laying even though the event had been cancelled due to the weather.
2. An SCC Public Hearing concerning PATH will be held at the Community Center on Thursday, November 19, 2009.
3. She attended the Loudoun County Transportation Plan public hearing and spoke about the Town's Virginia Regional Transit trolley service.
4. She continues to attend the Economic Development Council meetings and they report that this area is not as economically depressed as other parts of the Commonwealth. Residential development is picking up but commercial development is slower to respond.
5. She attended the ribbon cutting at the new medical building in Purcellville and reiterated that she wants one of these buildings in Lovettsville.
6. She attended the Health Council Meeting which was very informative. She reported that foundation and grant money has funded exercise machines in 18 Loudoun County schools. Over the next two years all of the elementary schools will be funded.
7. The next Council meeting will be held at the Lovettsville Elementary School in honor of American Education Week. The meeting will begin at 7:30 P.M.
8. A community Thanksgiving service will be held at the Lovettsville Fire and Rescue Department on Tuesday, November 24, 2009. This year's service will honor fire and rescue personnel.
9. She reported that there will be a Family Fun Day at the Purcellville Urgent Care Facility on Saturday, November 14<sup>th</sup>.

**Closed Session**

The Council went into closed session at 9:15 P.M. (Attachment IV)

Respectfully submitted,



Judy L. Kromholz, Town Clerk

Date Approved: January 14, 2010

**Attachments:**

- I. *Leesburg Today* Public Hearing Advertisement
- II. Staff Report: LVZA 2009-0006: Model Home; Construction and/or Sales Trailer
- III. Meeting Speaker Signup Sheet
- IV. Recordation of Closed Session Motions

# **PUBLIC HEARING NOTICE**

## **LOVETTSVILLE TOWN COUNCIL**

The Lovettsville Town Council will hold a public hearing at 8:00 PM Thursday, November 12, 2009, to hear comments from any person on the following:

**LVZA 2009-0006 Model Home; Construction and/or Sales Trailers**, by the Town of Lovettsville to amend the Town of Lovettsville Zoning Ordinance to:

**Add** MODEL HOME as a permitted use in all zoning districts that include residential use: Article 3, District Regulations, Sections 3-2 (b), 3-3 (b), 3-4 (b), 3-5 (b), 3-6 , 3-7 (i) (i) (ii) and (iii), and 3-8 (f); **Add** MODEL HOME to Article 13, Definitions, Sec. 13-2; **Add** standards for MODEL HOME to Article 3, District Regulations, Sec. 3-1 (b); **Add** CONSTRUCTION AND/OR SALES TRAILERS as a permitted use in all districts that do not permit it: Article 3, District Regulations, Sec. 3-6, 3-7 (i) (i), (ii), and (iii); 3-8 (f), 3-12 (b), 3-13 (b), 3-14 (f); **ADD** to Article 13, Definitions, Sec. 13-2; **MODIFY** CONSTRUCTION AND/OR SALES TRAILERS standards in Article 3, District Standards, Sec. 3-1 (b) (vii).

The hearing will take place at the Town Office, 6 E. Pennsylvania Avenue, Lovettsville, Virginia 20180. The text under consideration is available at the Town Office between the hours of 9AM and 3PM weekdays, holidays excepted. Call 540-822-5788.

10/30 & 11/06/09

# Town of Lovettsville

DRAFT

## MEMORANDUM

**TO:** Mayor and Town Council

**FROM:** Stephen E. McGregor, Zoning Administrator

**DATE:** November 12, 2009

**SUBJECT:** **LVZA 2009-0006 Model Home; Construction and/or Sales Trailer – Zoning Ordinance Amendment**

**PURPOSE:** To provide a revised staff report for the November 12, 2009 Town Council public hearing to correct mistakes.

**BACKGROUND:** The Zoning Administrator incorrectly transcribed the proposed text for this item that was recommended by the Planning Commission at their October 7, 2009 meeting.

The Planning Commission recommended that the paragraph currently contained in the Zoning Ordinance as paragraph (G) under the standards for CONSTRUCTION AND/OR SALES TRAILER not be eliminated because it gives the Town, through the Zoning Administrator, discretion to require various conditions for such use. The conditions involve such aspects of the use as the necessity of the use; the location and number of the use (model homes or trailers); and the screening of the uses in order to protect the surrounding neighborhood. The only aspect that should be removed from this paragraph is the ability of the Administrator to determine the *necessity* of the use because the necessity is recognized by the fact that the Planning Commission is recommending that the use be permitted by right in the first place. The new paragraph now included in the revised staff report as paragraph (H), has been adjusted to reflect this and to reflect editorial, not other substantive, improvements to the paragraph as written in the current Zoning Ordinance.

The Planning Commission also recommended that the same conditions desirable for Construction and/or Sales Trailer use in the paragraph noted above should be included in the new standards for Article 3 Section 3-1 (b) (x) Model Home. This intent is now included in the revised staff report as paragraph (G) under the Model Home standards.

I also recommend, because of the recommendation of the Planning Commission and my assessment of their intent during the discussions, that the standards for locating both model homes, model homes with sales office use and construction and/or sales trailers be made more specific than in the current ordinance and in the text shown in the original staff report. I suggest this because the Commission expressed its interest in giving the Town the ability to have these facilities located as close to main streets and roads as possible and not located in the midst of residential subdivisions. The same concern was not related to non-residential development. Therefore, I recommend that the Town Council consider adding the following text to the proposed text shown in the revised staff report:

Construction and/or Sales Trailer standards: Article 3, Sec. 3-1 (b) (vii) another paragraph, (I), to read,

and

Model Home standards: Article 3, Sec. 3-1 (b) (x), another paragraph, (H), to read,

“The use shall be located on a lot as close to a collector street or arterial road (as defined by the Virginia Department of Transportation) as possible.”

The Planning Commission also recommended that in the standards for Construction and/or Sales use in Article 3, Section 3-1 (b) (vii) paragraph (F) in the current Ordinance and paragraph (G) in the original staff report, be omitted because the Ordinance has requirements for major improvements that would apply automatically. This is reflected in the text shown in the revised staff report.

The revised staff report shows that a draft resolution will be made available to the Council at the November 12 meeting for amending the Zoning Ordinance in the manner recommended or with modifications. The draft motion paragraph is removed in the revised staff report.

**ATTACHMENT:** Revised staff report for LVZA 2009-0006 Model Home;  
Construction and/or Sales Trailer, November 10, 2009, for the  
November 12, 2009 Town Council public hearing,.

## STAFF REPORT

(REVISED)

*Town of Lovettsville*

### TOWN COUNCIL PUBLIC HEARING

**NOVEMBER 12, 2009**

Proposed Zoning Ordinance Amendment

**LVZA 2009-0006 Model Home; Construction and/or Sales  
Trailer**

**Applicant:** Town of Lovettsville

**Location of Hearing:** Town Office at 6 E. Pennsylvania Avenue

**Time of Hearing:** 7:30PM

**Call for Information:** Steve McGregor (540)-822-5788  
[smcgregor@lovettsvilleva.gov](mailto:smcgregor@lovettsvilleva.gov)

**Town Office Hours:** 9AM-3:00PM (except holidays)



**PURPOSE:** To provide a rationale for adding the Model Home use that includes a model home with office use to all zoning districts with a residential component; to provide standards and a definition for the use; for adding Construction and/or Sales Trailer use to zoning districts where it is not already a permitted use; for amending the related standards for the use and adding a definition for the use. The staff report discusses the issues related to the two uses and provides a proposal to amend the Zoning Ordinance text to address the issues.

**BACKGROUND:** After it came to the attention of the staff and Zoning Administrator that the Ordinance does not provide for a model homes and model homes with sales office use for residential development. The issue also involves the Construction and/or Sales Trailer use, which is permitted in residential ("R") zoning districts but not other zoning districts where such use would be needed as part of the construction and sales process. The issue was brought to the Town Council and discussed. On September 17 the Council directed the Planning Commission, staff and Zoning Administrator to develop a staff report with recommended text changes and schedule a public hearing before the Planning Commission. The Planning Commission held a public hearing on the item, October 7 and made a positive recommendation with one modification to the proposed text, which would give the Zoning Administrator authority to make decisions about the location of the model home or construction and/or sales office trailer in the development and about how best to protect adjacent residential areas from any negative impacts from the use in terms of traffic or visual quality of the development.

**DISCUSSION:** In recent discussions with Elm Street Development about establishing a model home with sales office in the Lovettsville Town Center for the residential portion of the development, staff and the Zoning Administrator observed that there is no temporary office use in a model home for sales of the development, or model homes or construction and/or sales trailers permitted in the Town Center Planned Development T-C zoning district, for the specific Town Core, Residential Areas or the Fringe Areas. This is a basic necessity for any developer when a residential project is approved by the Town and the sales and building processes start. It is a use that is most efficient for the developer when it is on-site. This is the case throughout the region and the country. It appears that the use was overlooked in the establishment of the permitted uses in the current ordinance.

Some of the residential zoning districts permit the temporary construction and/or sales trailer use: CR-1, R-1, R-2 and R-3 districts. The use is not permitted in the other zoning districts, however, which is not equitable, since development on land controlled by the other districts also need the use in order to sell the project.

It is typical for developer/builders to use a one or more model home on the residential project site to sell the project. This has been done in the most recent residential projects but without the use permitted, specifically. There is often a variety of models available in a project and examples need to be available for showing to the potential customer and each builder may need an office for sales in a model unit. It is reasonable in terms of the Town's economic development to permit this use in all zoning districts with a residential component.

A definition for both the model home use and the construction and/or sales trailer use needs to be established in the ordinance. There is no definition of construction and/or sales trailer in the ordinance even though there is a set of standards for the use. Standards need to be established for the model home with sales office use, just as there are standards for the construction and/or sales trailer use. Parking for a model home with a sales office needs to be controlled so there is not excessive parking on residential streets because of the sales activity taking place. This is not an easy thing to control as the incidence and location of units changes in a residential subdivision under construction. Landscaping is needed even for the temporary model home with sales office and the construction or sales trailer. These uses may linger on the landscape if development slows or stops temporarily so their attractiveness is a community interest.

Given these issues and assumptions, standards for the model home with sales office need to be established so that they are located in a recorded subdivision; all other applicable ordinance regulations are adhered to; the timeframe for the temporary use is linked to approval of the last occupancy permit; the Town has the authority to require a bond to ensure that any features used to establish the use are brought into conformance with the permanent use; off-street parking and handicapped parking is regulated.

Given these issues and assumptions, the standards for the construction and/or sales trailer use in Article 3 Section (b)(vii) that should be updated to:

- remove the regulation requiring the need for renewal of the permit and link the timeframe of the temporary permit to the last approved occupancy permit in the project;
- indicate that a permit has to be approved no less than ten days of the installation of a trailer and a copy of the County building permit has to be filed with the Town;
- allow a setback of 20 feet, not 35 feet to conform to the minimum in any one district;
- ensure that the use is located on land that is part of a recorded subdivision, or a lot with an approved site plan;

- ensure that required parking spaces are located on-site; include handicapped parking and indicate that parking spaces may be gravel;
- fully indicate that if the use is not a minor improvement by ordinance standards, then it is a major improvement and must adhere to the applicable standards

Another update of the existing standards would make it so there is no limit for the number of the uses on a project. The Zoning Administrator would not determine the need for landscaping or what the site plan should be, or what features should be required to protect adjacent residential neighborhoods. The reasoning behind this change is that temporary uses, such as these, would not have a sufficient impact on adjacent development to warrant strong regulation.

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission held a public hearing on the item, October 7, 2009. There was one speaker, Bing Lam, who supported the addition of sales offices on project sites but requested that the Town exercise more control of site design features that could impact adjacent neighbors, such as a need to require landscaping or fencing. He said the Town should control the location of these uses so they are not located in the midst of existing residential development. He was concerned about the parking associated with sales offices or construction/sales trailers that might spill-over onto residential streets.

The Commission shared the concerns of Mr. Lam and passed a recommendation for approval of text revisions that re-instates language currently included in the standards for construction and/or sales trailers use requiring the Zoning Administrator to exercise more control of site design and location of these uses for neighborhood protection purposes. The Commission added this text to the new standards proposed for the model home use.

**CONCLUSION:** Staff accepts the Planning Commission recommended text amendment as reasonable. The amended text recommended by the Commission will allow developers to have sales outlets and construction trailers on projects under construction while the Town will better control of the location and site design of these temporary uses. Staff recommends that standard (A) in the revised standards for Article 3, District Regulations, Sec. (b) (vii), CONSTRUCTION AND/OR SALES TRAILERS, be expanded to include a requirement that this use can only be located on a lot with an approved building location zoning permit. This is automatically required under Section 10-4 Zoning Permits, (f) for major improvements. Staff feels it should be reiterated in standard (A) for the sake of clarity.

**RECOMMENDATION:** It is recommended that the Town Council consider the Planning Commission recommendation to approve the Zoning Ordinance text

regarding the addition of the model home use, which includes model homes with sales offices, to all zoning districts that permit residential use; the addition of the construction and/or sales trailer use to all zoning districts where it is not now permitted; and standards are established for the model home use and the existing standards for the construction and/or sales trailer use are amended to provide a number of regulatory improvements, as discussed above. Also, consider a staff editorial improvement making it clear in the standards for construction and/or sales trailers that a building location zoning permit is required for these temporary uses. Therefore, it is recommended by the Planning Commission and the staff that the Town Council approve the following proposed Zoning Ordinance text amendment:

**ADD:** To Article 3, District Regulations, Sec. 3-2 (b), CR-1 district, (b) Permitted Uses, a new sub-paragraph (xix),  
To Article 3, District Regulations, Sec. 3-3 (b), R-1 district, (b) Permitted Uses, a new sub-paragraph (vi),  
To Article 3, District Regulations, Sec. 3-4 (b), R-2 district, (b) Permitted Uses, a new sub-paragraph (vi),  
To Article 3, District Regulations, Sec. 3-5 (b), R-3 district, (b) Permitted Uses, a new sub-paragraph (vi),  
To Article 3, District Regulations, Sec. 3-6, Retirement Community R-C district, a new sub-paragraph (r),  
To Article 3, District Regulations, Sec. 3-7, Town Center Planned Development T-C district, (i "eye"), Permitted Uses, Town Center; Town Center Residential Area, (i) (ii), a new sub-paragraph (E),  
To Article 3, District Regulations, Sec. 3-8, Planned Infill Development district, (f), Permitted Uses, a new sub-paragraph (vi),

all of the above to read:

"Model Home."

**ADD:** To Article 3, District Regulations, Sec. 3-6, Retirement Community R-C district, a new sub-paragraph (s),  
To Article 3, District Regulations, Sec. 3-7 (i "eye") (ii "two"), Town Center Planned Development T-C district, Permitted Uses, Town Center, Town Center Core, (i) (i) a new sub-paragraph (G); Town Center Residential Area, (i) (ii) a new sub-paragraph (F); Town Center Fringe, (i) (iii), a new sub-paragraph (E),  
To Article 3, District Regulations, Sec. 3-8 (f), Planned Infill Development district, Permitted Uses, a new sub-paragraph (vii),  
To Article 3, District Regulations, Sec. 3-12, Community Commercial C-1 district, (b) Permitted Uses, a new sub-paragraph (xxxi) [xxxi becomes xxxii Retail Sales, etc.]  
To Article 3, District Regulations, Sec. 3-13, Mixed Use Business district C-2, (b) Permitted Uses, a new sub-paragraph (xxxi) [xxxi becomes xxxii Retail Sales, etc.]

To Article 3, District Regulations, Sec. 3-14, Light Industrial district I-1, (f)  
Permitted Uses, a new sub-paragraph (xviii).

all of the above to read:

“Construction and/or Sales Trailer.”

**ADD:** To Article 13, Definitions, Sec. 3-2, in alphabetical order, to read:

“MODEL HOME: A building having the physical characteristics of a residential dwelling, which exists for the purpose of display or advertising in connection with the sale of units in a residential development on a temporary basis. It may incorporate an office use that is directly related to the sales function of the building. The ultimate intended use of such a building is as a dwelling.”

**ADD:** To Article 13, Definitions, Sec. 3-2, in alphabetical order, to read:

“CONSTRUCTION AND/OR SALES TRAILERS: A structure standing on wheels, towed or hauled by another vehicle and used temporarily for sales of the units in the subdivision, or subdivision section, in which the trailer is located; and in which sales and construction of units is planned or underway.”

**ADD:** To Article 3, District Regulations, Sec. 3-1 (b) GENERAL STANDARDS FOR CERTAIN USES, a new sub-paragraph to read:

“(x) MODEL HOME: The use is permitted subject to the following provisions:

- (A) The use may be located in any zoning district that includes a residential use, provided such use is located within the recorded subdivision it serves. It may incorporate a sales office.
- (B) The use must conform with all applicable requirements of the Zoning Ordinance.
- (C) The use is permitted until the issuance of the last occupancy permit within the subdivision it serves.
- (D) The Town may require a bond as appropriate to ensure that the atypical features, including, but not limited to, utilization of the garage for a sales office, will be removed or brought into conformance with residential building code requirements prior to conversion of the unit for residential occupancy.
- (E) Two (2) off-street parking spaces shall be provided on the lot where the use is located for the public and these spaces include the required handicapped space. The use must comply with any requirements that apply for handicapped parking for commercial office use.

(F) All signs must comply with applicable Zoning Ordinance provisions.

(G) The Zoning Administrator shall review and approve or deny a request for a temporary model home permit. In assessing a request for a temporary model home permit, The Zoning Administrator shall determine the appropriate number of model homes for the site, the need for and design of landscaping, and any other amenity that the Administrator shall deem in the interest of protecting adjacent residential property (zoned, planned or in use); consider the location and its effects on the surrounding neighborhoods and/or adjoining property owners; and may require terms and conditions on the location and placement, type and number of model homes, screening and other reasonable conditions."

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NOTE: Sec. 3-1 (b) (xix) TEMPORARY PORTABLE STORAGE CONTAINERS is incorrectly numbered and the number should be changed to: (ix).

**MODIFY:** Article 3, District Regulations, Sec. 3-1 (b) GENERAL STANDARDS FOR CERTAIN USES, (vii), CONSTRUCTION AND/OR SALES TRAILERS, to read:

"(vii) CONSTRUCTION AND/OR SALES TRAILERS: The use is ~~Construction and/or sales trailers are~~ permitted subject to the following provisions:

- (A) ~~The trailer use shall be located on a lot parcel or site that is within a recorded subdivision or on a lot with an approved site plan or a lot with an approved building location zoning. Its location is subject to any applicable proffers related to the site and its function must be directly related to the primary use established for the subdivision or lot wherein it is located.~~
- (B) ~~The maximum period allowable for the use is permitted until the issuance of the last occupancy permit is approved for the development and until the completion of any bonded public improvements. placement of a temporary construction and/or sale trailer shall be six (6) months or until completion of the project, whichever is shorter. Requests for renewal for a successive six (6) month period may be submitted if additional time is required to complete the project. Renewal requests shall be filed at least thirty (30) days prior to the expiration date of the original permit.~~
- (C) ~~The use Each construction or sales trailer shall have a minimum of provide two (2) off-street parking spaces on the lot or land on which the use is located. These parking spaces shall include the required handicapped space. The use must comply with any requirements that~~

apply for handicapped parking for office use. Parking spaces may have a gravel surface.

- (D) A minimum lot area of two thousand (2,000) square feet shall be provided for this use. ~~each temporary trailer space~~
- (E) The use Trailers shall not be located closer than twenty (20) feet from the property line of the lot upon which it is located. ~~within any required front yard or required side or rear yard.~~
- (F) A zoning permit shall be obtained for the use at least ten (10) business days prior to the time it is placed on the property. ~~construction and/or sales trailer.~~
- (G) A building permit is required from the County and a copy has to be filed with the Town within ten (10) business days of the placement of the use on the site.
- (H) The Zoning Administrator shall review and approve or deny a request for temporary construction and/or sales trailer permit. In assessing a request for a temporary trailer permit, the Zoning Administrator shall determine the appropriate number of trailers for the site, the need for and design of landscaping, and any other amenity that the Administrator shall deem in the interest of protecting adjacent residential property (zoned, planned or in use); consider the location and its effects on the surrounding neighborhoods and/or adjoining property owners; and may require terms and conditions on the location and placement, type and number of temporary construction and/or sales trailers; and screening and other reasonable conditions."

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**DRAFT RESOLUTION:** A draft resolution that would amend the Zoning Ordinance according to the recommendations of this report will be presented at the November 12, 2009 meeting. Any changes the Council wishes to make can amend this draft.

# Town of Lovettsville

## Speaker Sign - Up Sheet

### Town Council Regular Meeting - November 12, 2009

Please Print.

Name and Association	Address	Topic	Email Address (Optional) <sup>1</sup>

Each speaker will be limited to no more than three (3) minutes at the beginning of the meeting, or  
no more than five (5) minutes at the end of the meeting.

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<sup>1</sup> If you provide your email address, you will be added to the Town Council & Planning Commission Meetings Notification List.